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 Attorneys for Defendant Joan W. Tartaglia, as Trustee of the Joan
 Tartaglia Trust

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

 Plaintiff,

 v.

OSH ACQUISITION CORP., JOAN
 TARTAGLIA, as Trustee of the JOAN
 TARTAGLIA TRUST,

 Defendants.

CASE NO. C 06-5386 JF PVT

**STIPULATION OF DISMISSAL; ORDER
 THEREON**

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A
 Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The
 parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference
 as if fully set forth. The parties request the Court to retain jurisdiction for two years from the date
 hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v.*
Guardian Life Insurance Co. Of America, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that
 the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce

1 the terms of the Settlement Agreement.

2 IT IS HEREBY STIPULATED by and between the parties to this action through
3 their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP
4 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for two
5 year after the date hereof.

6 Date: April 13, 2007


Date: April 13, 2007

7 /S/Martin H. Orlick
8 Martin H. Orlick of
9 Jeffers, Mangels Butler & Marmaro LLP
10 Attorney for Defendant Joan W.
Tartaglia, as Trustee of the Joan W.
Tartaglia Trust

/S/Thomas N. Stewart, III
Thomas N. Stewart, III
Attorneys for Plaintiff Rick Futia

11
12 IT IS SO ORDERED:

13
14 Date: 5/18/07



Judge Jeremy Fogel, US District Court

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Court Service List

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